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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/687,157 | 10/12/2000 | John J. Sie | 19281-000800US | 8624 |

20350 7590 02/20/2007
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| EXAMINER |
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KHATRI, ANIL

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| ART UNIT | PAPER NUMBER |
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2191

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 02/20/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/687,157

Applicant(s)

SIE ET AL.

Examiner

Anil Khatri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-15 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Downs et al* USPN 6,574,609 taken with *Ellis et al* USPN 7,051,360

Regarding claims 1, 8, 14 and 22

Downs et al teaches,

processing the command sent from a remote location with respect to the user location (column 3, lines 50-59, "managing content data...)

receiving the content at the user location (column 6, lines 59-63, "the secure... client device);

storing the content at the user location in response to at least the processing the command (see abstract"); and

detecting a user action related to the content after storage of the content (column 23, lines 5-20, "upon reception of the order...). *Downs et al* doesn't teach explicitly receiving a command from the content distributor to store the content at the user location, before a user specifically request the content wherein the content comprises at least one of a video content or an audio

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program. However, *Ellis et al* teaches (column 2, lines 55-67 and column 3, lines 1-4, “program guide display screen...the default program”, guide language... guide data). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate processing the command sent from the user and distribute contents to the user before he/she request for. The modification would have been obvious because one of ordinary skill in the art would have been motivated to combine teaching distributing contents to the user before user request for and storing into his/her machine and can be played/seen as needed.

Regarding claims 2 and 15

Downs et al teaches

the content comprises at least one of a commercial and informal a show or a movie (column 7, lines 1-3, contents refers...).

Regarding claims 4, 17 and 18

Downs et al teaches

user comprises a set top box (column 11, lines 54-65, “end user devices...).

Regarding claims 5, 11, 13 and 21

Ellis et al teaches

the storing the content comprises storing the content on a mass storage associated with set up box that is associated with user location (figure 3, column 9, lines 33-50, “ user television...may be used”).

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Regarding claims 6, 9, 12 and 19

Downs et al teaches

determining a subset of content from liner schedule of contents associated with the content distributor (column 81, lines 9-16, "this set is grouped..", column 84, lines 26-30, "songs are played one at a time.."); and

transmitting the subset to the user location (column 6, lines 59-63, "the secure... client device", column 86, lines 25-29).

Regarding claims 7, 10 and 20

Downs et al teaches

processing the command comprises determining usage rules related to the content (column 87, lines 3, "the usage condition...", lines 7-10, lines 22-25).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANIL KHATRI
PRIMARY EXAMINER